

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v. -

EVGENY BURYAKOV,

Defendant.

15 CR. 73 (RMB)

**DECLARATION OF SCOTT HERSHMAN
IN SUPPORT OF MOTION TO DISMISS THE INDICTMENT
AND MOTION FOR A BILL OF PARTICULARS**

I, Scott Hershman, hereby declare as follows:

1. I am an attorney duly authorized to practice law in the State of New York and am admitted to practice before this Court. I am a partner at White & Case LLP, counsel for Defendant Evgeny Buryakov in the above-captioned matter. I submit this declaration in support of Defendant's Motion to Dismiss Indictment No. 15 CR. 73 (RMB) (the "Indictment"), or if the Indictment is not dismissed, Defendant's Motion for a Bill of Particulars (the "Motion").

2. Attached as Exhibit A is a true and correct copy of Russian Federal Law No. 82-FZ, which relates to Vnesheconombank, the employer of Mr. Buryakov.

3. Attached as Exhibit B is a true and correct copy of an English translation of Russian Federal Law No. 82-FZ, prepared by the Moscow office of White & Case.

4. Attached as Exhibit C is a true and correct copy of Vnesheconombank's visa petition on behalf of Mr. Buryakov, and approval notice, as seized by the Government from Mr. Buryakov's office under a search warrant issued in this action. Since these materials are

“discovery materials” as that term is used in the Protective Order entered in this case (*see* Dkt. No. 21), Defendant is not “disseminating” these materials nor otherwise making them available to persons outside the United States by posting them on the public ECF docket. *Id.* Complete versions of these documents will be made available to the Court and the Government.

5. Attached as Exhibit D is true and correct copy of the visa issued by the Department of Homeland Security to Mr. Buryakov, as seized by the Government from Mr. Buryakov’s office under a search warrant issued in this action. Since these materials are “discovery materials” as that term is used in the Protective Order entered in this case (*see* Dkt. No. 21), Defendant is not “disseminating” these materials nor otherwise making them available to persons outside the United States by posting them on the public ECF docket. *Id.* Complete versions of these documents will be made available to the Court and the Government.

6. On May 4, 2015, the Government delivered to White & Case five hard drives and sixteen CD-ROM’s containing electronic data (the “May 4 Production”). On May 12, 2015, the Government delivered to White & Case an additional three USB hard drives (the “May 12 Production”) containing electronic data. These productions comprise electronic data in three categories: surveillance videos, wiretap recordings, and miscellaneous electronic data and media.

7. The May 4 Production is comprised of eight terabytes of electronic data. I have consulted with technical support personnel at White & Case regarding this data, and upon information and belief, it is estimated that this production potentially includes over 5,000 hours of video collected over the course of 2½ years, and over 1,500 hours of wiretap recordings, which we believe will be largely in Russian.

8. The May 12 Production is comprised of over five terabytes of compressed data. I have consulted with technical support personnel at White & Case regarding this data, and upon

information and belief, it is estimated that when un-compressed this data could become almost fifteen terabytes of data, which could contain over one million pages of documents and other materials. However, it is unclear what types of data are on these drives, as they were provided to us in a format that could not be opened on ordinary computers.

9. On June 8, 2015, under Local Criminal Rule 16.1, I conferred with Assistant United States Attorney Adam Fee to request the six items of additional information enumerated in Point IV of the memorandum submitted with the Motion, in an effort to resolve by agreement the issues raised by Defendant without the intervention of the Court.

10. On June 9, 2015, the Government responded by email as follows:

Counsel:

During a telephone call on June 8, 2015, you asked for additional information concerning certain facts alleged in paragraph 7 of the indictment in this case, in anticipation of filing a potential motion for additional discovery. With respect to each of your questions concerning paragraph 7 of the indictment, we refer you to the underlying complaint filed in this case (the “Complaint”). The Complaint, when read in the context of the discovery previously provided to you, outlines in detail the facts of this case, including information directly addressing your requests for information concerning the factual allegations contained in the indictment.

Please contact us with any additional questions or requests.

11. In light of the Government’s response, we are unable to reach an agreement relating to receiving more particularized information from the Government. As such, none of the issues raised by the Motion has been resolved by agreement.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in New York, New York on June 11, 2015.

/s/ Scott Hershman
Scott Hershman